



Federal Communications Commission
Washington, D.C. 20554

March 27, 2008

DA 08-745

Released: March 27, 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Young Broadcasting of Rapid City, Inc.
KCLO-TV
501 S. Phillips Avenue
Sioux Falls, SD 57104

Re: Young Broadcasting of Rapid City, Inc.
KCLO-TV, Rapid City, SD
Facility ID No. 41969
File No. BRCT-20051201BWR

Dear Licensee:

This refers to your license renewal application for station KCLO-TV, Rapid City, SD.

Section 73.3526 of the Commission's Rules (the "Rules") requires broadcast licensees to maintain a public inspection file containing specific types of information related to station operations.¹ Pursuant to Subsection 73.3526(e)(6), licensees are required to maintain in the public inspection file political records required by Section 73.1943 of the Rules. Section 73.1943 requires that every licensee maintain and permit public inspection of a political file, which should contain a "complete and orderly record" of all requests for broadcast time made by candidates for public office and the disposition of those requests, and all free time provided to candidates; and that this information be placed in the file as soon as possible and retained for a period of two years. Where lapses occur in maintaining the public file, neither the negligent acts nor omissions of station employees or agents, nor the subsequent remedial actions undertaken by the licensee, excuse or nullify a licensee's rule violation.²

On December 1, 2005, you filed a license renewal application (FCC Form 303-S) for station KCLO-TV, Rapid City, South Dakota (File No. BRCT-20051201BWR). In response to Section IV, Question 3 of that application, you certified that, during the previous license term, station KCLO-TV failed to place in its public inspection file at the appropriate times, all of the documentation required by Section 73.3526 of the Commission's Rules. In Exhibit 17 and a

¹ See 47 C.F.R. § 73.3526.

² See *Padre Serra Communications, Inc.*, 14 FCC Rcd 9709 (1999) (citing *Gaffney Broadcasting, Inc.*, 23 FCC 2d 912, 913 (1970) and *Eleven Ten Broadcasting Corp.*, 33 FCC 706 (1962)); *Surrey Range Limited Partnership*, 71 RR 2d 882 (FOB 1992).

June 2, 2006 amendment to the license renewal application, you stated that station KCLO-TV retransmits the signal of commonly-owned station KELO-TV, Sioux Falls, South Dakota. You claimed that although KCLO-TV is not a satellite station of station KELO-TV, station KCLO-TV is operated in a manner that is the “functional equivalent of a satellite station.” In addition, you indicated that in reviewing station KCLO-TV’s public inspection file in preparation for the filing of the renewal application, you discovered that certain political file records were missing. Specifically, you reported that “political records relating to political requests for time made to sales staff located at KELO-TV” were not kept in station KCLO-TV’s public inspection file. You also stated that the “political records relating to political requests for time made to KCLO-TV sales staff” were not maintained in station KCLO-TV’s public inspection file. You stated that these records were kept only at KELO-TV. You stated that you mistakenly believed that it was unnecessary to maintain a complete political file in the station KCLO-TV public inspection file separate from the political file of station KELO-TV. You maintained that upon discovery of this error, copies of the missing political file records were immediately placed in the station KCLO-TV public inspection file.

Although we do not rule out more severe sanctions for violations of this nature in the future, based upon the record before us we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the admitted violations of Section 73.3526 of the Rules described in station KCLO-TV’s renewal application.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to Young Broadcasting of Rapid City, Inc. at the address listed above, and to its counsel, Mark J. Prak, Esquire, Brooks Pierce McLendon Humphrey & Leonard, LLP, P.O. Box 1800, Raleigh, North Carolina 27602.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau